



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/712,239	11/13/2003	Rajeev Chhabra	9103M	8603
27752 7590 10/16/2007 THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION - WEST BLDG. WINTON HILL BUSINESS CENTER - BOX 412 6250 CENTER HILL AVENUE CINCINNATI, OH 45224				
EXAMINER				
MATZEK, MATTHEW D				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
10/16/2007		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

## Application No.

10/712,239

## Applicant(s)

CHHABRA ET AL.

## Examiner

Matthew D. Matzek

## Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date \_\_\_\_\_

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/4/2007 has been entered.

***Response to Amendment***

2. The amendment dated 9/4/2007 has been fully considered and entered into the Record. Claims 1 and 10 have been amended and contain no new matter. Claims 1-11 are currently active and claims 12-20 have been canceled.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over DOBRIN et al. (US 6,383,431 B1) in view of SMITH (US 3,616,157).

a. DOBRIN et al. disclose a method for modifying the physical characteristics of a nonwoven fibrous web, which involves passing the web between at least one pair of inter-engaged rolls to incrementally stretch the web, and then withdrawing the incrementally stretched web from between the rolls under tension. (Abstract) The reference relates to disposable absorbent articles. The reference teaches a nonwoven material with a deformation pattern in the form of ridges and grooves defining an array of spaced, diamond-shaped elements 100 with intervening *un-deformed* areas 102 which

provide the claimed surface plane of the substrate. (Col. 12, lines 2-24; Figures 9-11). Figures 10 and 11 show the patterns of the forming rolls that are transferred into the nonwoven web. It is the Examiner's interpretation that that first and second regions of the present invention are provided by the Dobrin reference. (Refer to Figures). The reference shows in its examples nonwoven materials with basis weight ranging from 27-33 gsm and it teaches structures that comprise carded webs, spun bonded webs, SMS, among others. (Refer to Table I and Cols. 14-18) DOBRIN '431 teaches that the preferred nonwoven, fibrous web material can have an initial thickness of from about 5 mils to about 40 mils [0.1270-1.0160 mm]. (Refer to Col. 7, lines 29-30) Further, the reference teaches that the modified web thickness is from about 85% to about 400% of the initial web thickness (caliper). (Refer to Col. 3, lines 47-48). DOBRIN is silent as to the locking of the protruding elements in the second region by the reinforcing means of the present invention, but does teach that the fibers of the nonwoven fibrous web may be bonded to each other through thermal or adhesive bonding (col. 6, lines 60-67).

b. SMITH is directed to an embossed nonwoven fabric having a textured character and fabric-like qualities of softness and had and suitable for wiping surfaces having aqueous liquids. (Abstract) Figure 4, shows a configuration in which the embossed nonwoven fabric 26 is used for wiping or cleaning purposes and areas 22 (similar to the second portions of the present invention) are reinforced by thermal bonding. (Refer to Col. 3, lines 31-45). SMITH also teaches the application of adhesive preferably only at the sites of embossment to enhance the shape-stability of the embossed nonwoven fabric (col. 8, lines 3-11).

c. Since both references are directed to nonwoven materials useful in the production of disposable absorbent materials the purpose disclosed by SMITH would have been recognized in the pertinent art of DOBRIN.

d. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the second portions of DOBRIN and provide them with adhesive bonding with the motivation of enhancing the shape-stability of the embossed nonwoven fabric (col. 8, lines 3-11, SMITH).

***Response to Arguments***

4. Applicant's arguments filed 9/4/2007 have been fully considered but they are not persuasive.

5. Applicant argues that the necessary motivation required for combining SMITH with DORBIN fails to exist because the second component of DORBIN is attached to the nonwoven fibrous web and as such would not require reinforcement means to lock the protruding elements as claimed. Applicant also argues that there is no reasonable expectation of success in combining SMITH with DORBIN because DORBIN is directed to disposable absorbent articles comprising soft, cloth-like, liquid impervious backsheet and other absorbent article components and SMITH is directed to embossed nonwoven wipe fabrics which can result in stiff, boardy regions.

6. In response to Applicant's arguments that there is no suggestion to combine the references and that if they are combined there is no reasonable expectation of success, "[t] he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." Leapfrog Enter., Inc. v. Fisher-Price, Inc., 485 F.3d

1157, 1161, 82 USPQ2d 1687, 1691 (Fed. Cir. 2007) (quoting KSR Int'l v. Teleflex, Inc., 127 S. Ct. 1727, 1739-40, 82 USPQ2d 1385, 1395 (2007)). "One of the ways in which a patent's subject matter can be proved obvious is by noting that there existed at the time of invention a known problem for which there was an obvious solution encompassed by the patent's claims." KSR, 127 S. Ct. at 1742, 82 USPQ2d at 1397. Design incentives and market forces as well as implementing a predictable variation may also help the person of ordinary skill in the art to recognize the obviousness of claimed combinations of elements of prior art. KSR, 127 S. Ct. at 1740, 82 USPQ2d at 1396. In this case, SMITH teaches that the embossed areas should be adhesively bonded in order to provide the article with increased shape-stability. Applicant's allegation that the second layer of DORBIN serves as reinforcement for the embossed areas is without merit or support in the disclosure DORBIN.

7. Applicant argues that the combination of DORBIN and SMITH does not result in the claimed invention, because the references teach the use of compression instead of the claimed strained areas. Examiner takes the position that compression is in fact a form of strain and as such meets the instant limitation.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew D. Matzek whose telephone number is 571.272.2423. The examiner can normally be reached on M-F, 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571.272.1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew D Matzek/  
Examiner, Art Unit 1794

/Terrel Morris/  
Terrel Morris  
Supervisory Patent Examiner  
Group Art Unit 1794